

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

OLUKAYODE D. OJO,

Plaintiff,

v.

MILROSE 179 HARRISON, LLC, et al.,

Defendants.

Civ. No. 20-949 (KM) (ESK)

OPINION

KEVIN MCNULTY, U.S.D.J.

Plaintiff, Olukayode D. Ojo, currently incarcerated at Bergen County Jail in Hackensack, New Jersey, filed *pro se* with the Court a complaint pursuant to 15 U.S.C § 1692, as well as an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1.) As Mr. Ojo's *in forma pauperis* application is incomplete, it will be denied without prejudice and this case will be administratively terminated.

A prisoner who seeks to proceed *in forma pauperis* must submit an affidavit, including a statement of all assets, stating that the prisoner is unable to pay the applicable filing fee. *See* 28 U.S.C. § 1915(a)(1). The prisoner must also submit a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the filing of his complaint. *See id.* § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison at which he was or is confined. *See id.*

Even if a prisoner is granted *in forma pauperis* status, he must pay the full amount of the filing fee of \$350.00. *See* 28 U.S.C. § 1915(b)(1). In each month that the amount in the prisoner's account exceeds \$10.00, the agency having custody of the prisoner shall assess, deduct from the prisoner's account, and forward to the Clerk of the Court, payment equal to 20% of the

preceding month's income credited to the prisoner's account. *See id.* § 1915(b)(2). The deductions will continue until the \$350.00 filing fee is paid.


Even if the necessary fees are paid and the complaint is accepted for filing, the Court may nevertheless immediately dismiss the case. The Court must review the complaint and dismiss it if it finds that the action (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. *See id.* § 1915(e)(2)(B).

If the plaintiff has, on three or more prior occasions while incarcerated, brought an action or appeal in a court that was dismissed on any of the grounds listed above, he cannot bring another action *in forma pauperis* unless he is in imminent danger of serious physical injury. *See id.* § 1915(g).

In this case, Mr. Ojo's application to proceed *in forma pauperis* is incomplete. Mr. Ojo failed to include with his application a certified six-month prison account statement. (*See* ECF No. 1-1.) Therefore, the application will be denied without prejudice. Accordingly, the Clerk of the Court will be ordered to administratively close the case. Mr. Ojo may reopen this action, however, by either paying the filing fee or submitting a complete *in forma pauperis* application.

Note: A person appearing pro se appears only on his own behalf, and cannot represent another party.

DATED: February 3, 2020



KEVIN MCNULTY
United States District Judge